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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,619	09/25/2001	Harold Rosen	PD-200112A	9746

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HUGHES ELECTRONICS CORPORATION
PATENT DOCKET ADMINISTRATION
BLDG 001 M/S A109
P O BOX 956
EL SEGUNDO, CA 902450956

EXAMINER

POLLARD, STEVEN M

ART UNIT	PAPER NUMBER
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3727

DATE MAILED: 06/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/963,619

Applicant(s)
Rosen, Et. Al.

Examiner
Steven Pollard

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3727



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on _____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 23-39 is/are rejected.
- 7) ☒ Claim(s) 21 and 22 is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4,6 6) ☐ Other:

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al.

It would have been obvious to one of ordinary skill in the art to have employed the low emissivity coated surface teachings set forth in Ishizaki, et. al. in the construction of the device of Strong, et. al., motivated by the heat insulative properties achieved thereby.

3. Claims 12 and 15 - 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al. as applied to claim 1 above, and further in view of Beckman. It would have been obvious to one of ordinary skill in the art to have employed the multiple port teaching set forth in Beckman in the construction of the device of Strong, et. al. as modified above by Ishizaki, et. al., motivated by the evacuation option achieved thereby. To have employed a copper coating in the above set forth device would have been obvious to one of ordinary skill in the art, motivated by cost considerations.

4. Claims 13, 14, and 30 - 37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al. and Beckman as applied to claims 12 and 15 - 17 above, and further in view of Androulakis.

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It would have been obvious to one of ordinary skill in the art to have employed an outer heating mechanism in the construction of the device of Strong, et. al. as modified above by Ishizaki, et. al. and Beckman, in view of the cooling teaching set forth in Androulakis, motivated by the intended use. To have employed a second heating mechanism to control iceing would have been an obvious matter of engineering design choice, motivated by the intended use and recognized problem to be solved.

5. Claims 18, 23 - 25, 28, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al. as applied to claim 1 above, and further in view of Cherevatsky.

It would have been obvious to one of ordinary skill in the art to have employed the wall structure teaching set forth in Cherevatsky in the construction of the outer shell of the device of Strong, et. al. as modified above by Ishizaki, et. al., motivated by the shell characteristics achieved thereby. To have employed a copper coating in the above set forth device would have been obvious to one of ordinary skill in the art, motivated by cost considerations. To have connected the inner and outer shell members at two opposing equatorial locations and a port member and employing a friction welded insert would have been an obvious matter of engineering design choice, producing no new and unobvious results, motivated by engineering design.

6. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al. and Cherevatsky as applied to claim 18, 23 - 25, 28, and 29 above, and further in view of Androulakis.

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It would have been obvious to one of ordinary skill in the art to have employed an outer heating mechanism in the construction of the device of Strong, et. al. as modified above by Ishizaki, et. al. and Cherevatsky, motivated by the intended use. To have employed a second heating mechanism to control iceing would have been an obvious matter of engineering design choice, motivated by the intended use and recognized problem to be solved.

7. Claims 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, et. al. and Cherevatsky as applied to claim 18, 23 - 25, 28, and 29 above, and further in view of Beckman.

It would have been obvious to one of ordinary skill in the art to have employed the multiple port teaching set forth in Beckman in the construction of the device of Strong, et. al. as modified above by Ishizaki, et. al. and Cherevatsky, motivated by the evacuation option achieved thereby.

8. Claims 38 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strong, et. al. in view of Ishizaki, Beckman, and Androulakis as applied to claims 13, 14, and 30 - 37 above, and further in view of Cherevatsky.

It would have been obvious to one of ordinary skill in the art to have employed the wall structure teaching set forth in Cherevatsky in the construction of the outer shell of the device of Strong, et. al. as modified above by Ishizaki, et. al., Beckman, and Androulakis, motivated by the shell characteristics achieved thereby.

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9. Claims 21 and 22 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Steven M. Pollard

18 June 2002

A handwritten signature in black ink, appearing to read "Steven M. Pollard", with a stylized flourish at the end.

Steven Pollard
Primary Examiner